

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRAVELERS COMPANIES, INC., PRINCE)	
SPORTS HOLDINGS, INC. and NATIONAL)	IN ADMIRALTY AND AT LAW
UNION FIRE INSURANCE COMPANY OF)	
PITTSBURG, PENNSYLVANIA,)	No. C10-05149
)	
Plaintiffs,)	STIPULATED MOTION TO TRANSFER
)	ACTION TO SEATTLE AND ORDER
v.)	
)	
EXPEDITORS INTERNATIONAL OCEAN)	Without Oral Argument: April 6, 2010
and EXPEDITORS INTERNATIONAL OF)	
WASHINGTON, INC.,)	
)	
Defendants.)	

I. INTRODUCTION AND RELIEF REQUESTED

Defendant Expeditors International Ocean, Inc. ("Expeditors") currently is a defendant in another action, Case Number C10-0444 RAJ, which was instituted in this Court's Seattle Division by another plaintiff to recover alleged damages arising out of the same incident. Because the two actions involve common questions of law and fact, the parties respectfully request that the Court transfer the matter to the Seattle Division to promote judicial economy. By separate motion, the parties have requested that the Court in Case Number C10-0444 RAJ consolidate the two actions in Seattle.

STIPULATED MOTION TO TRANSFER - 1
Case No. C10-05149

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II. STATEMENT OF RELEVANT FACTS

This matter arises out of the loss of goods in containers allegedly lost from a ship owned and operated by ocean carrier Yang Ming Marine Transport Corporation, a Taiwanese corporation ("Yang Ming"), in coordination with ocean carrier Hanjin Shipping Company, Ltd. ("Hanjin"). Expeditors, operating as a non-vessel operating common carrier, allegedly issued bills of lading to Plaintiffs' insureds and Life Fitness, Inc., who are shippers and owners of the allegedly lost goods. Expeditors contracted with Hanjin to ship Plaintiffs' goods and Life Fitness's goods from points overseas to the United States. On information and belief, Hanjin, pursuant to its vessel sharing agreement with Yang Ming, arranged for carriage of the containers on board a ship owned and operated by Yang Ming. During the journey, the vessel allegedly encountered severe weather, and several containers allegedly were lost.

While the current Plaintiffs filed suit in this Court's Tacoma Division, plaintiff Life Fitness, Inc., another shipper and owner of goods allegedly lost in the same incident, brought suit in the Seattle Division under Case Number C10-0444 RAJ. Expeditors is named as a defendant in both actions. Defendant Expeditors International of Washington, Inc., an ocean freight forwarder related to Expeditors, is named only in this action. Counsel for all parties have conferred and agreed to stipulate to consolidation of both actions in Seattle.

The parties have brought a Stipulated Motion to Consolidate the Tacoma Action with the Case Number C10-0444 RAJ in the Seattle Division. A copy of that motion is attached and incorporated by this reference.

III. STATEMENT OF ISSUES

Is stipulated transfer appropriate for this action where another action deriving from the same incident is pending in a different division of the same court?

IV. EVIDENCE RELIED UPON

This motion is based upon the pleadings and other papers previously filed in this action and the action pending in Seattle.

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V. LEGAL AUTHORITY AND ARGUMENT

“For the convenience of parties and witnesses,” the District Court has discretion to “transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). “The district court has a broad discretion under § 1404(a).” *Fannin v. Jones*, 229 F.2d 368, 370 (6th Cir. 1956).

The two actions before the Western District of Washington involve the same facts that will be established with the same evidence and through the testimony of the same witnesses. The legal issues are likewise identical. The parties agree that the Seattle Division is the more convenient forum. Granting this Motion to Transfer would promote judicial economy and minimize the burden on witnesses and parties.

VI. CONCLUSION

For the reasons presented above, the parties respectfully request that the Court grant this Motion and transfer the above-captioned matter to the Seattle Division.

DATED this 6th day of April, 2010.

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ORDER

This matter is before the Court on the stipulated motion of the parties to transfer this action to the Seattle Division of the Western District of Washington. The Court considered the Motion and is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ordered, adjudged, and decreed that the Motion to Transfer is GRANTED.

DONE IN OPEN COURT this 7th day of April, 2010


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

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